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09/509,969	04/03/2000	FABIEN BATTINI	RCA90121	6724

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EXAMINER

SHIMIZU, MATSUICHIRO

ART UNIT	PAPER NUMBER
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2635

DATE MAILED: 04/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/509,969

Applicant(s)

BATTINI ET AL.

Examiner

Matsuichiro Shimizu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 April 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

***Response to Amendment***

The examiner acknowledges canceled claim 4, amended claims 1-3, 5-8, and new claims 9-12.

The examiner requests the applicant to provide the descriptive labelings associated with all blocks in figures 1-4 in addition to non-descriptive labelings, such as, 1, 2, 3, 10, 11, 12, 13, 14, In, EQn, B, b, D, R, etc.

The examiner withdraws the objections to the abstract in view of corrected abstract provided by the applicant.

The examiner withdraws objection to the specification in view of applicant's argument (lines 19-25, page 4).

***Response to Arguments***

Applicant's arguments filed on 2/10/2003 have been fully considered and examiners response is provided as follows:

Regarding applicant's argument (lines 4-21, page6), the examiner maintains Humpleman teaches descriptors of a plurality of appliances to aggregate appliance control functions of the same type for a plurality of appliances (col. 4, lines 19-28,

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providing users with a plurality of GUI for commanding and controlling same type of home devices; type associated with home entertainment; DVD and TV are same type of devices or appliances associated with home entertainment), in order to display aggregated functions on a single markup language page (Fig. 13, col. 20, lines 23–40, selecting aggregate play command in DVCR page provides the display on connected DTV). That is, applicant's argument addresses the claim 1 as defined by the specification. However, the rejections are based on the broadest reasonable interpretation, one of ordinary skill in the art considers the "claimed invention" to be.

Regarding applicant's argument (line 22, page 6 to line 4, page 7), the examiner maintains Humpleman teaches a control device (col. 6, lines 40–56, DTV is functioning as a control device, and provides display of Fig. 13, wherein the address of the descriptor associated with DTV is provided by the DTV to load and to activate the DTV function). That is, applicant's argument addresses the claim 1 as defined by the specification. However, the rejections are based on the broadest reasonable interpretation, one of ordinary skill in the art considers the "claimed invention" to be. Therefore, the rejections of claims 1–3 and 5–12 follow as:

*Claim Rejections – 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

1      Claims 1–8 are rejected under 35 U.S.C. 102(e) as being anticipated by Humpleman et al. (6,198,479).

Regarding claim 1, Humpleman discloses control device (CTR) in a home network (col. 1, lines 18–21, home network associated browser of devices), wherein each appliance (col. 2, lines 31–46, a first and a second home devices) including a plurality

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of appliances, wherein each appliance has an associated descriptor (col. 2, lines 60–65, HTML coded graphics user interface object including a page containing device buttons) comprising information for controlling said appliance, said device including:

microprocessor ( col. 6, lines 4–9, microprocessor associated with PC (note: see pp 307 of Computer Dictionary, 3<sup>rd</sup> Edition, MicroSoft Press, 1997)) for loading and processing descriptors associated with the appliances, a graphic generator for generating a display of markup language pages or page parts based on said descriptors (col. 2, lines 60–65, HTML coded graphics user interface ), said control device adapted to use descriptors of a plurality of appliances to aggregate appliance control functions of the same type for a plurality of appliances (col. 4, lines 19–28, providing users with a plurality of GUI for commanding and controlling same type of home devices; type associated with home entertainment; col. 6, lines 40–56, DVD 108 and DTV 102 are same type of devices or appliances associated with home entertainment and digital equipment), in order to display aggregated functions on a single markup language page (Fig. 13, col. 20, lines 23–40, selecting play command in DVCR page provides the display on connected DTV).

Regarding claim 2, Humpleman discloses, as disclosed in claim 1, device wherein said microprocessor (col. 6, lines 4–9, microprocessor associated with PC

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(note: see pp 307 of Computer Dictionary, 3<sup>rd</sup> Edition, MicroSoft Press, 1997)) is programmed to load a descriptor directly from the appliance with which it is associated, said descriptor being stored in a memory in this appliance (col. 6, line 57 to col. 7, line 6, each home device sends its custom GUI to memory of the browser based DTV (102), wherein the user uses GUI to activate the home device remotely).

Regarding claim 3, Humpleman discloses, as disclosed in claim 1, wherein said microprocessor ( col. 6, lines 4-9, microprocessor associated with PC (note: see pp 307 of Computer Dictionary, 3<sup>rd</sup> Edition, MicroSoft Press, 1997)) is programmed to load descriptor from an internet server, the address of the descriptor being loaded from the appliance with which the descriptor is associated (col. 18, lines 54-60, a session server containing many HTML files)

Regarding claim 5, Humpleman discloses, as disclosed in claim 1, wherein said descriptor contains at least one of the following functions: display of static information relating to the appliance, display of dynamic information relating to the appliance, or display of an object for controlling a function of the appliance (Fig. 13, col. 18, lines 43-60, static info for PWR, dynamic info for volume, object for DVCR or DTV).

Regarding claim 6, Humpleman discloses, as disclosed in claim 5, device wherein, when said descriptor contains an object for controlling a function of an appliance, as well as a program for generating a corresponding command to be transmitted to the appliance with which the set is associated (Fig. 13, col. 18, lines 43–60, command for increase or decrease of audio volume)..

Regarding claim 7, Humpleman discloses, as disclosed in claim 1, device wherein said descriptor comprises configuration data identifying an appliance as a source or receiver of a data type, said microprocessor being programmed to create at least one configuration page for allowing the user to specify the connections between appliances, and wherein the at least one configuration page indicates possible connections (Fig. 13, col. 20, lines 23–40, selecting play command in DVCR page provide the display on connected DTV).

All subject matters associated with method in claim 8 are disclosed in claims 1 and 7, and therefore, rejections of the subject matters expressed in claim 8 are met by references and associated arguments applied to rejections of claims 1 and 7.

All subject matters associated with method in claim 9 are disclosed in claim 3, and therefore, rejections of the subject matters expressed in claim 9 are met by references and associated arguments applied to rejections of claim 3.



All subject matters associated with method in claim 10 are disclosed in claim 1, and therefore, rejections of the subject matters expressed in claim 10 are met by references and associated arguments applied to rejections of claim 1.

All subject matters associated with method in claim 11 are disclosed in claims 5-6, and therefore, rejections of the subject matters expressed in claim 11 are met by references and associated arguments applied to rejections of claims 5-6.

All subject matters associated with method in claim 12 are disclosed in claim 2, and therefore, rejections of the subject matters expressed in claim 12 are met by references and associated arguments applied to rejections of claim 2.

### *Conclusion*

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date

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of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

*Contact Information*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matsuichiro Shimizu whose telephone number is (703) 306-5841. The examiner can normally be reached on Monday through Friday from 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik, can be reached on (703-305-4704). The fax phone number for the organization where this application or proceeding is assigned is (703-305-3988).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703-305-8576).

Matsuichiro Shimizu



April 21, 2003



EDWIN C. HOLLOWAY III  
PRIMARY EXAMINER